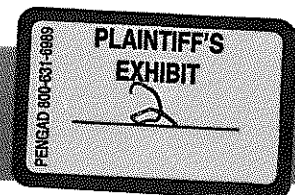


2009

Support Staff

Employee Handbook



New York County District Attorney's Office Employee Handbook for Support Staff

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Section I: Introduction

This handbook has been developed as a resource for support staff. Its purpose is to acquaint you with office policies and procedures governing your work life; to provide you with information on various personnel issues; and to give you guidelines on access to, and appropriate use of, certain office resources and services. We hope you will find it useful.

The statements in this handbook are general guidelines and not meant to cover all work place situations. They are not meant to replace or modify the terms of any collective bargaining agreement in effect. The office may deviate from a particular policy or procedure if, in its sole discretion, it deems such deviation to be appropriate in a specific case. In addition, the handbook is not designed to be the only expression of appropriate office behavior, personnel information, or rules governing use of office resources and services.

The handbook, and the policies and statements contained in it, are effective on April 2009. They are subject to change at the office's discretion. From time to time, you will receive information concerning these changes.

Please take the time to read the handbook. If you have any questions about anything contained in it, please speak to your supervisor or seek clarification from Human Resources.

Office Standards of Behavior

Confidentiality

In the course of your work, you may have access to sensitive and confidential information. The information includes facts about investigations and cases; information in databases provided to us by government agencies or private companies; and information about staff or law enforcement personnel with whom we work. You are required to take necessary measures to safeguard that information and to comply with all statutes, rules, and policies designed to secure that information from unauthorized disclosure.

Information about an employee or information about a case or investigation may be released except as authorized and in compliance with office policies and procedures. Any request for information about a present or former employee should be referred to Human Resources. Any request for information about any cases or investigations should be referred to the assistant district attorney unless you have been directed or authorized to release the information.

You should not access information contained in office files or databases unless you have a work-related reason. You are reminded that you have no expectation of privacy in the use of a computer and your use is monitored by the office.

Public Contact

As an employee of the office, you have frequent contact with members of the public, in person or by telephone. The public's impression of the office is formed on the basis of the quality of the service you provide.

Visitors and callers should be greeted promptly and in a courteous, friendly manner. You should give your name, and, if it is a telephone call, your work location (for example, bureau or division) and make certain that you understand the person's problem or request. Give clear, complete answers to questions.

If applicable, take clear and complete messages, including the caller's name and a telephone number where he or she can be reached. If it is necessary to refer the visitor elsewhere, give proper directions and an explanation for the referral. If you are unsure of where the visitor or caller should be referred, ask the person to wait while you find out how the matter should be handled.

When faced with an agitated member of the public, it is especially important that you remain calm. The situation can only be made worse by a response in kind.

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2.3 Personal Telephone Calls and Other Personal Business During Work Hours

You are expected to devote yourself to official business during your scheduled work hours.

You should keep the number and duration of personal telephone calls to a minimum during work hours. You should make every effort to make and receive personal telephone calls during your lunch hour.

From time to time we understand that you might take a break from your work and socialize with a coworker. Your socializing should be kept to a minimum.

2.4 Appropriate Attire and Appearance

It is important that in appearance and attire you project an image consistent with the serious nature of our work and one that will engender public confidence and respect. Therefore, you should dress in a manner consistent with the duties and responsibilities of your office assignment and present a neat, clean, and well-groomed appearance during work hours.

Unacceptable casual attire include the following: shorts; overly revealing clothing; spandex/lycra leggings; sweat suits; running gear; tank, tube or halter tops; bare midriffs; t-shirts with slogans; beach wear; rubber beach flip-flops; and wrinkled, torn, stained, or dirty clothes.

If you are inappropriately dressed or have personal hygiene problems, your supervisor will advise you and may send you home to change clothes in certain situations. If you are sent home, the appropriate leave balances will be charged. If you have no leave, you will not be paid. Continued disregard of this policy may result in further disciplinary action.

2.5 Contact with Media

Media contact is handled exclusively by the Public Information Office. Media includes newspapers, magazines, television, weblogs and other internet sites, documentary and feature film makers, authors, or publishers. Permission to speak to the media is granted only by a member of the Executive Staff or Public Information. You should not initiate contact with the media unless you have been given explicit, advance permission. All calls from the media should be referred to Public Information.

If you expect that the media will be contacting the office about a particular case you are handling or for any other situation concerning you, you should notify your supervisor and Public Information.

Conflicts of Interest including Gifts, Gratuities, Favors, and Outside Employment

As an employee of the New York County District Attorney's Office, you are expected to follow the rules of ethical conduct set forth in Chapter 68 of the New York City Charter and summarized in the booklet provided to you when you are hired, "What You Should Know: A Guide to NYC's Conflicts of Interest Law." It is important that you familiarize yourself with the contents of this booklet.

Gifts, Gratuities, and Favors

You must avoid any conflict of interest or any appearance of conflict of interest or favoritism. For example, you cannot solicit, accept, or agree to accept any gift, gratuity, favor, or any form of hospitality such as meals, overnight accommodation, or entertainment from any person or organization doing business with the New York County District Attorney's Office, including civilian and police witnesses.

Outside Employment

You are allowed to engage in outside employment provided that such employment does not cause a conflict of interest with your city employment. You must seek permission to work for another city agency or any person or company that has business with the city. It is your responsibility to determine if the person or company has business with the city.

When engaged in any employment or business beyond your employment with this office, you must not use any office resources including letterhead, personnel, computers or other equipment, or supplies. While you are at work, you may not conduct any business other than office business.

If you become aware of any situation which creates an actual or apparent conflict of interest between the District Attorney's Office and you or a member of your family, you should notify your supervisor and Human Resources immediately.

2.7 Notification of Legal Actions

You must notify the Director of Human Resources if you become a defendant or a witness in a criminal proceeding involving an offense other than a parking ticket. Notification should be made the next business day after you learn of your involvement in a criminal proceeding.

If you drive a vehicle owned or leased by the office, or you drive a personal vehicle on official business, you must adhere to all of the requirements concerning vehicular offenses detailed in Section 11.17.

Although not required, it may be in your best interest to notify the Director of Human Resources if you become a plaintiff, defendant, or witness in a civil case. Such notification may enable the office to respond to court orders and requests for information arising out of the litigation, with greater sensitivity to your concerns.

2.8 Office Identification Cards

You have an office identification card to be used for business-related purposes only. You are prohibited from using it to obtain any advantage because of your position as an employee of the office.

If your office identification card is lost or stolen, inform the Investigation Bureau (Ext. 8973) immediately to report the disappearance. There is a \$7.50 replacement fee, which will be waived if your card has been stolen. If you fail to carry your identification card for three consecutive workdays, you will be deemed to have lost your card. Staff who repeatedly misplace or lose their cards may be subject to further disciplinary action.

Upon the effective date of your resignation from the office, you are no longer entitled to use any item of office identification. You must relinquish your office identification card to Human Resources.

2.9 Office of Court Administration Passes

You may request an Office of Court Administration (OCA) pass. This pass will allow you to avoid the security clearance procedures for the general public at 100 Centre Street. Contact Human Resources for an application for the pass.

You may use the pass for business-related reasons only and are prohibited from using it to obtain any advantage because of your position as an employee of the office.

Upon the effective date of your resignation from the office, you are no longer entitled to the use of the OCA pass and must relinquish your pass to Human Resources.

2.10 Business Cards

You are entitled to office business cards if necessary to discharge an office-related function. Business cards are to be used for business-related purposes only, and you are prohibited from using it to obtain any advantage because of your position as an employee in the office.

2.11 Business/Financial Relationships with Office Personnel

You should not enter into business or financial relationships with another staff member who is either your superior or subordinate. This does not include minimal activity such as lending someone money for lunch, or other types of casual or social endeavors the purpose of which is entertainment. Examples of an inappropriate and prohibited activity include working for another staff member who is either your subordinate or supervisor as a weekend babysitter, being paid by your subordinate or superior to set up a home computer system, or performing construction work for pay in the home of another employee who is either your subordinate or superior.

2.12 Personal Contact Information

It is important that the office have up-to-date information on how to contact you outside the office. To that end, you must provide the office with your home address and telephone number, and you must further notify Human Resources and your supervisor of any changes in your legal name, address, or telephone information.

It is also important to provide Human Resources with up-to-date information on an individual to contact in case of a personal emergency. This information is kept confidential and used by Human Resources only.

2.13 Visits by Children and Adult Personal Guests

You may bring a child to the office for a brief, occasional visit if you have advance approval of your supervisor and the visit would not disrupt the work of the office. It is not appropriate to bring your child to the office for the better part of the day unless there is a planned event for children like a holiday party or "Take Your Children to Work Day." Bringing your child to work must not be the solution to the unavailability of childcare.

In those limited circumstances when you are permitted to bring a child to the office, remember that any child in the office must always be accompanied by you, whether in the hallways, library, conference rooms, or in your office. You should not allow a child to use an office computer or other office equipment. You must not take a child with you in an office vehicle.

You may invite an adult personal guest to the office for a brief, occasional visit if you have the advance approval of your supervisor and the visit would not disrupt the work of the office. All such guests must submit to the office's security procedures for entry into the building as required in Section 9.6. No personal guest should be left unaccompanied or permitted access to office computers or other equipment. No personal guest should accompany you in an office vehicle. No personal guest should be permitted access to any area of the office where the confidentiality or security of our work would be compromised, even if accompanied by you.

2.14 Code of Conduct

You have an obligation and responsibility to observe and follow the office's policies and to maintain proper standards of conduct at all times. If your behavior interferes with the orderly and efficient running of the office or delivery of services to the public or other members of the office, corrective disciplinary measures will be taken.

Although not meant to be all inclusive, the following are examples of behavior that may result in disciplinary action, up to and including termination: poor attendance and poor job performance; violation of the office's discrimination policies; violation of office policies relating to use or possession of alcohol and controlled substances; theft or dishonesty; refusing, failing, or neglecting to follow any lawful directive of a supervisor or superior or interfering with any person who is carrying out the lawful order; violation of the office's confidentiality policies; violation of policies relating to the use of office resources and property; or speaking or acting

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III: Equal Employment Opportunity Program

Equal Employment Opportunity Policy Statement

District Attorney Robert M. Morgenthau has issued the following statement on the Equal Employment Opportunity Program of the New York County District Attorney's Office, including its policies and procedures:

It is the stated policy of this office to comply with the city, state, and federal anti-discrimination laws as they relate to employment in this office consistent with the concept of merit in employment.

This policy statement and the policies and procedures contained in this section and in the Equal Employment Opportunity Program Manual reflect this office's intention to:

- Ensure that all aspects of employment policies and practices, including but not limited to, selection criteria, recruitment, hiring, promotion, compensation, performance evaluations, transfers, disciplinary procedures, separations, agency sponsored benefits, training, and social and recreational programs are administered without regard to race, creed, color, religion, gender, sexual orientation, age, national origin, military status, disability, predisposing genetic characteristics, marital status, partnership status, alienage or citizenship status, status as a victim of domestic violence, status as a victim of a sex offense or stalking, or the existence of children who are or may be residing with a person. The term "gender" includes actual or perceived sex and a person's gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex assigned to that person at birth.
- Ensure that all aspects of employment policies and practices, including but not limited to, selection criteria, recruitment, hiring, promotion, compensation, performance evaluations, transfers, disciplinary procedures, separations, agency sponsored benefits, training, and social and recreational programs are administered without regard to arrest record, unless the arrest record indicates prior conduct that demonstrates that the applicant would be unqualified for the position in question.
- Ensure that this office is in compliance with the provisions of the Americans with Disabilities Act of 1990.
- Provide equal employment opportunity, as set forth above, to those who are qualified disabled veterans and/or veterans of the Vietnam Era, pursuant to the Vietnam Era Veterans Readjustment Act of 1974.

I have appointed Frederick J. Watts, Executive Assistant District Attorney for Finance and Administration, to be this office's EEO Officer. ADA Watts has overall responsibility for the development and monitoring of the equal employment program, and will be working with agency managerial and supervisory personnel on the program. He will be reporting to me on progress and problems in providing equal employment opportunity.

I have also appointed the following EEO Coordinators: Katie Doran, Audrey Moore, Herculano Izquierdo, Jose Rivera, and Estelle Strykers-Santiago. They will assist the EEO Officer in all aspects of the EEO Program and serve as the primary recipients of any EEO complaints from employees of this office.

Section 3.2 describes this office's internal EEO complaint procedures which should be used by anyone feeling that he or she is a victim of any form of discriminatory behavior in the workplace. I have directed that the Equal Employment Opportunity Program Manual be regularly distributed to all office employees. Additional copies of the manual can be obtained from the EEO Officer, any EEO Coordinator, or the Human Resources Office.

I wish to emphasize that no employee may retaliate against or harass any person filing a complaint or cooperating in the investigation of a complaint. Such retaliation or harassment is unlawful and will be cause for disciplinary action.

If you have any questions relating to our EEO Program, or if you are concerned about any activity in this office relating to discrimination in the workplace, I encourage you to contact the EEO Officer or any of the EEO Coordinators. Please be assured that all inquiries will be handled discreetly and professionally.

Our Equal Employment Opportunity Program and its goal of achieving and maintaining equal employment opportunity for all persons is of the highest priority, and has the full support of the management of this office.

3.2 Internal Complaint Procedures

In order to ensure that all employees have the right to voice their concern regarding the employment practices of this office, and to remedy possible discriminatory activity that has affected them directly, these internal Equal Employment Opportunity complaint procedures have been developed. Every effort will be made to ensure the confidentiality of these proceedings as well as any records of the proceedings that may be produced.

➤ Filing of EEO Complaints:

- Any employee of the New York County District Attorney's Office who believes that he or she may have been discriminated against because of race, creed, color, religion, gender (including actual or perceived sex and gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex assigned to a person at birth), sexual orientation, age, national origin, military status, disability, predisposing genetic characteristics, marital status, partnership status, alienage or citizenship status, arrest record, status as a victim of domestic violence, status as a victim of a sex offense or stalking, or the existence of children who are or may be residing with a person, in regard to the terms and conditions of employment, may file an internal complaint, including but not limited to, selection criteria, recruitment, hiring, promotion, compensation, performance evaluations, transfers, disciplinary procedures, separations, agency sponsored benefits, training, or social and recreational programs.

- Complaints may be made in person or in writing to an EEO Coordinator or to the EEO Officer.
- An EEO Coordinator will prepare, with the complainant, a written report detailing the specific allegations of the alleged discriminatory practice (s). A copy of this confidential report will be sent to the EEO Officer.
- An initial conference will be held within five days after the preparation of the complaint report between the complainant and the EEO Coordinator. This conference will determine if the matter can be resolved without further administrative action. Documents such as personnel files, memos, letters, and performance evaluation reports are not required to be provided for this initial conference since its intent is not to determine the merit of the case but merely to determine if a resolution is possible without further procedures.
- In the event an initial attempt at a resolution fails, an inquiry shall be immediately commenced by the EEO Officer. The EEO Officer has sixty (60) business days to complete this inquiry, prepare and submit a report of the findings to the complainant, and prepare a detailed report of the findings with recommendations for correcting or remedying any substantiated acts of discrimination. This time period may be extended at the discretion of the EEO Officer for good cause. Upon completion of the report, the EEO officer shall request a subsequent conference between the most directly concerned parties to discuss the proceedings and to determine if a resolution is possible without further proceedings. Any member of the New York County District Attorney's Office who may have relevant data or information will be directed to cooperate with the inquiry.
- If discriminatory conduct is found, action appropriate to the severity of the unlawful conduct will be taken against those found to have practiced such conduct. Such action may include, but is not limited to: a) a warning; b) transfer to another unit; c) formal disciplinary hearing; d) suspension; e) probation; f) demotion; and g) termination.
- If it is found that there is no reasonable cause to believe discriminatory conduct exists or has existed, the case will be dismissed and closed. The complainant will be informed in writing of the disposition of the case and advised of his or her right to retain an attorney privately or to file a complaint with the appropriate agencies listed below.

It is unlawful to retaliate against or harass any person for filing an EEO complaint or for his or her cooperation in the investigation of an EEO complaint. Any employee who engages in such retaliation or harassment shall be disciplined.

You are advised that regardless of whether you make an internal complaint, you may, at any time during or subsequent to the conclusion of these internal proceedings, retain an attorney privately or file a complaint with the agencies listed below:

New York City Commission on Human Rights
40 Rector Street
New York, NY 10006
Telephone Number: (212) 306-5070

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New York State Division of Human Rights
One Fordham Plaza, 4th Floor
Bronx, NY 10458
Telephone Number: (718) 741-8400
www.dhr.state.ny.us

Equal Employment Opportunity Commission (Federal Agency)
33 Whitehall Street
New York, NY 10004
Telephone Number: (212) 336-3620
www.eeoc.gov

3.3 Policy Statement on Preventing Sexual Harassment in the Workplace

The District Attorney Robert M. Morgenthau, has issued the following statement on the New York County District Attorney's Office program and policies for preventing sexual harassment in the office:

It has been the long established policy of the New York County District Attorney's Office to ensure equal opportunity and prevent discrimination in all aspects of employment, and we are determined to comply with the city, state, and federal anti-discrimination laws as they relate to this office.

In November 1980, the United States Equal Employment Opportunity Commission published its "Guidelines on Discrimination because of Sex under Title VII of the Civil Rights Act of 1964," in which sexual harassment is identified as an unlawful employment practice. In these guidelines, sexual harassment is defined as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

This office has zero tolerance for this type of employment discrimination, and we are determined to be in complete compliance with this section of the Civil Rights Act.

I have directed Frederick J. Watts, the Executive Assistant District Attorney for Finance and Administration and EEO Officer, to take appropriate action to ensure that these guidelines are scrupulously followed. Any employee of this office who feels that he or she is the victim of sexual harassment in the workplace is encouraged to contact ADA Watts or any of the EEO Coordinators listed in Section 3.1 and in our Equal Employment Opportunity Program Manual. Your complaint will receive the same attention and due process given to any EEO complaint under our internal complaint procedures described in Section 3.2 and in the EEO Program Manual. No employee may retaliate against any person for filing a complaint or